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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,326	01/23/2001	Sunitha Nair		9378

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EXAMINER

PATEL, JAGDISH

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/767,326

Applicant(s)

NAIR, SUNITHA

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 15-22 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☒ Claim(s) 15-22 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

1. During a telephone conversation with Att. Walter J. Tencza Jr. (Reg. 35708) on 3/9/05 a provisional election was made without traverse to prosecute the invention of Claims 1-14. Applicant in replying to this Office action must make affirmation of this election. Accordingly, claims 15-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

2. The following summary of the election/restriction requirement is provided for the record.

The application contains the following three distinct and independent inventions not disclosed as capable of use together, having different modes of operation, different functions or different effects are independent.

Claims 1-14 are directed to a web based method, which allows a purchaser to pay a desired portion of a sum of money to a selected donee.

Claims 15-16 are directed to a web based method, which allows a business entity to pay back a portion of purchase

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amount to a purchaser in the form of stock ownership in the business entity.

Claims 17-22 are directed to a web based method, which allows individual seller to post and offer an item for sale within a local region.

### ***Specification***

3. The abstract of the specification is objected as being too long (more than 150 words). See MPEP section 608.01(a) Arrangement of Application.

### ***Drawings***

4. The drawings are objected to (1) as containing hand written information such as reference numbers, corrections and marks and (2) not centered on the sheet.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mull (US 2004/0039649 A1, Priority May 10, 2000) (Mull) and further in view of Hovakimian (US Pat. 5,446,919). (Hovakimian)

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As per Claim 1 Mull teaches a method comprising the steps of: providing an internet web site which allows a purchaser to make a first purchase for a first amount of money of a first item through the web site; (para [0051] and [0056]) wherein the Internet web site allows the purchaser to select a first donee to give a first amount of money to; (para [0017]) and wherein the Internet web site causes the first portion of the first amount of money to be paid to the first donee (para [0019] "plurality of accounts 106 that are setup for individual donees").

Mull fails to disclose that the Internet web site allows the purchaser to give a first portion of the first amount of money (i.e. portion of the purchase amount) to the selected donee.

Hovakimian, in the same field of endeavor, teaches a method of enabling purchasers to select a portion of the first amount of money (i.e. portion of the purchase amount) to a selected one or more donee (see abstract and col.2 L 1-4, 41-56, "percentage of purchase price").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mull in view of Hovakimian to allow a purchaser to give a first portion of the first amount to the selected donee and cause the first amount of

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money to be paid to the first donee because this would allow the purchaser to make automatic contributions to one or more charities of his choice with every online purchase of goods or service.

Claim 2. The method of claim 1 further wherein the Internet web site provides a list of potential donees and the purchaser selects the first donee from the list of potential donees.

(see [0018], "making donations for targeted purposes to specific charitable organizations")

Claim 3. The method of claim 2 further wherein the Internet web site receives the purchaser's address and each potential donee on the list of potential donees has an address which is located in the same township as the address of the purchaser.

(see para [0054])

Claim 4. Mull fails to teach, however, Hovakimian teaches the purchaser to select a second donee to give a second portion of the first amount of money to; and causing the second portion of the first amount of money to be paid to the second donee.

(Hovakimian, see claim 1 "charities for donations" and col. 2 as discussed in claim 1 analysis).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mull in view of Hovakimian to allow a purchaser to give a first portion of the first amount to the selected donee and cause the first amount of money to be paid to the first donee because this would allow the purchaser to make automatic contributions to one or more charities of his choice with every online purchase of goods or service.

Claim 5. The method of claim 4 further wherein the Internet web site provides a list of potential donees and the purchaser selects the first donee and the second donee from the list of potential donees.

(See para [0019], individual donees)

Claim 6. The method of claim 5 further wherein the Internet web site receives the purchaser's address and each potential donee on the list of potential donees has an address which is located in the same township as the address of the purchaser.

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(see para [0054])

Claim 7. The method of claim 4 wherein the first and second portions can be selected by the purchaser.

(see analysis of Hovakimian in claims 1 and 4)

Claim 8. The method of claim 7 wherein the first and second portions are percentages which can be selected by the purchaser.

(see Hovakimian, col. 2 L 49-50 "small percentage" selected by cardholder)

Claim 11. The method of claim 1 wherein the first donee is a charity.

(see claim 1 analysis)

Claim 12. The method of claim 2 wherein the first donee and the potential donees are charities.

(see claim 1 analysis)

Claim 13. The method of claim 4 wherein the first donee is a charity; and the second donee is a charity

(see claim 1 analysis)

Claim 14. The method of claim 5 wherein the first donee is

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a charity; the second donee is a charity; and the potential donees are charities.

(see claim 1 analysis)

Claims 9 and 10. Mull and Hovakimian fail to teach displaying the first and second portions on a computer display.

Official notice is taken that displaying information concerning purchase information for the purchaser is old and well known in the field of electronic commerce.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for displaying first and second portions on a computer display, which would inform the purchaser of his choices.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be

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reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/21/05